IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Crl.Rev.Pet.No. 1012 of 2007()

CC.4/1999 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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REVN. PETITIONER: COMPLAINANT

RUBFILA INTERNATIONAL LTD.,
KANJIKODE, PALAKKAD-21,
REPRESENTED BY ITS DULY AUTHORISED REPRESENTATIVE,
BIJU P.B., EXECUTIVE (EXPORTS).

BY ADV. SRI.A.K.SRINIVASAN
SRI.N.S.MOHAMMED USMAN
SRI.A.S.BENOY

RESPONDENTS: ACCUSED & STATE

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1. M/S.INDO TAPES PVT.,
PLOT NO.5D, BOMMASANDRA,
INDUSTRIAL AREA, HOSUR ROAD, BANGALORE- 562 158,
REPRESENTED BY DIRECTOR MR.M.K.JAIN.

2. MR.M.K.JAIN,
DIRECTOR, M/S.INDO TAPES PVT,
PLOT NO.5D, BOMMASANDRA, INDUSTRIAL AREA,
HOSUR ROAD, BANGALORE- 562 158.

3. STATE OF KERALA,
REPRESENTED BY LEARNED PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1012 of 2007

Dated this the 7th day of March, 2007

ORDER

Revision petitioner is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The same stands dismissed under Section 204(4) of the Code of Criminal Procedure. It is submitted that he could not be present in the court on the particular day on account of unavoidable circumstances on that day and hence he could not instruct the counsel as well.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further pursue the matter. Petitioner shall appear before the Chief Judicial Magistrate Court, Ernakulam on 30.3.2007. Non bailable warrant, if any, pending is not to be executed till 30.3.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl